

**BEFORE THE PLANNING  
COMMISSION FOR  
THE CITY OF BEAVERTON,  
OREGON**

**After recording return to:**  
City of Beaverton, City Recorder:  
4755 SW Griffith Drive  
P.O. Box 4755  
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR ) ORDER NO. 1788  
APPROVAL OF A TREE PLAN TWO FOR ) TP2004-0028 ORDER APPROVING REQUEST  
REMOVAL OF APPROXIMATELY 45 TREES ) WITH CONDITION.  
ACROSS THE PROPOSED SITE (COVINGTON )  
PARK PUD). LAND TECH, APPLICANT. )  
)

The matter came before the Planning Commission on March 9, 2005, on a request for approval of a Tree Plan Two request for the removal of approximately 45 trees across the site. The proposal is applicable to a project site located on the 9525 and 9565 SW 155th Avenue, and is more specifically identified as Tax Lot 100 and 200 on Washington County Tax Assessor's Map 1S1-29CD. The zoning map designation for this property is Urban Medium Density (R-2), and the project site totals approximately 3.6 acres.

Pursuant to Ordinance 2050 (Development Code) Sections 50.15.2 and 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

Staff confirmed to the Planning Commission, upon their request, that the current plans showed the previously approved Street Design Modification and that the PUD 20 percent open space requirement was met by that plan,

in both the interim street access plan for Lots 1 through 45, and in the future 155<sup>th</sup> Avenue street improvement where permanent access and Lot 46 would be constructed. Therefore, the plan could be relied on for review of the Tree Plan application.

The following oral testimony was provided to the Commission with regard to the Tree Plan request for the development and the Commission addressed the testimony as described below:

Ms. Kim Stillwell spoke briefly in support of the proposal. There were no questions by the Commission.

Mr. Larry Bankhead, representing the neighboring Arborcrest Homeowners Association, provided testimony with regard to the general health of trees located in the Significant Grove of trees located immediately west of the site, noting that arborists have disagreed over the extent of diseased and hazardous trees and that even trees containing disease within the grove have lasted for several years beyond their life expectancy according to one arborist. Jeff Roberts of Dolphin Development, requested that Condition A.3 of TP 2004-0028, be amended or removed so as not to protect trees in the Grove, because some of the trees had been identified by the applicant's arborist as dead, dying or hazardous.

The Commission determined that the root zones of trees that are located at the west property line needed protection because as such trees are part of a designated Grove, as opposed to individual trees. The Commission found that the trees needed the protection provided by temporary fencing as

required by the condition, with the Commission adding that the condition as revised does not intend to require that such fencing be placed into the Grove, off-site.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated March 2, 2005, and the findings contained herein, as applicable to the approval criteria contained in Sections 40.03 and 40.90.15.2.C of the Development Code.

Commissioner Maks **MOVED** and Commissioner Winter **SECONDED** a motion to **APPROVE** TP004-0028 Covington Park PUD, based upon the testimony, reports and exhibits, and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated March 2, 2005, and including the additional evidence provided by staff, applicant, and the public, and including the modification to the Condition of Approval No. 3, as follows:

**A. Prior to issuance of the site development permit, the applicant shall:**

1. Provide all construction methods to reduce or eliminate adverse effects on the trees proposed to remain shall be incorporated into the construction documents and shown on the approved site development permit plans.
2. Designate with the project arborist the Tree Protection Zone (TPZ). Where feasible, the TPZ shall be established at the dripline of the tree or grove as minimum. If infrastructure (roads, sidewalks, and utilities) must be installed closer to the tree(s), the TPZ may be established within the dripline area if the project arborist determines that the tree(s) will not be unduly damaged.
3. Provide tree protection fencing at least at the edge of the root zone of each tree or grove of trees identified as significant. The fence shall be placed before construction starts and remain in place until

construction is complete. The fence shall be a four (4) foot tall orange plastic or snow fence, secured to six (6) foot tall metal posts, driven two (2) feet into the ground. Heavy gauge 12 wire shall be attached to the top and midpoint of each post. Posts shall not be placed further than ten (10) feet apart.

4. Clearly mark all trees to be removed with construction flagging, tree-marking paint, or other methods approved in advance by the project arborist.
5. Direct the project arborist to be on site to determine methods of tree removal and tree protection prior to construction.

**B. During Construction, the applicant shall:**

6. Not store materials or equipment within the Tree Protection Zone.
7. Avoid excavation within the Tree Protection Zone if alternatives are available. If excavation is unavoidable within the TPZ, the project arborist shall evaluate the proposed excavation to determine methods to minimize impacts to trees. This can include tunneling, hand digging, or other approaches. All construction within the TPZ shall be under the on-site technical supervision of the project arborist.
8. Direct the project arborist to monitor construction activities and progress, and provide written reports to the developer and the City's project planner at regular intervals.

**C. Prior to occupancy permit issuance, the project arborist shall:**

9. Provide a final report to the developer and the City's project planner describing the measures needed to maintain and protect the remaining trees.

Motion **CARRIED**, by the following vote:

**AYES:** Maks, Winter, DeHarpport, and Johansen.

**NAYS:** None

**ABSTAIN:** None.

**ABSENT:** Barnard, Bliss, and Pogue.

Therefore, **IT IS HEREBY ORDERED** that **TP 2004-0028** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report dated March 2, 2005, subject to Conditions of Approval, as follows:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1788 an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on \_\_\_\_\_, 2005.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

\_\_\_\_\_  
JOHN OSTERBERG  
Senior Planner

\_\_\_\_\_  
ERIC H. JOHANSEN  
Chairman

\_\_\_\_\_  
STEVEN A. SPARKS, AICP  
Development Services Manager